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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

D.M.P., a minor child by and through his legal guardian, ANNIE POMPA MOREJON;  
C.V.P. a minor child by and through his legal guardian, RUBY PEREZ CHINO; C.R.C., a minor child by and through his legal guardian, AMERICA CARDONA; J.P., a minor child by and through his legal guardian, JESENIA PLASCENCIA; D.P. a minor child by and through his legal guardian, MARGARET PETNEAUD,

Plaintiffs,

vs.

BEECH-NUT NUTRITION COMPANY, INC.; GERBER PRODUCTS COMPANY; PLUM PBC, d.b.a. PLUM ORGANICS; SPROUT FOODS, INC.; and WALMART, INC.,

Defendants.

CASE NO.: 2:23-cv-00344-CDS-EJY

**STIPULATION AND ~~PROPOSED~~  
ORDER TO EXTEND DEADLINE TO  
MEET AND CONFER AND FILE A  
PROPOSED DISCOVERY PLAN AND  
SCHEDULING ORDER**

(Second Request)

IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs D.M.P., C.V.P., C.R.C., J.P., D.P.U., E.R.L, and A.M. ("Plaintiffs") and defendants Beech-Nut Nutrition Company, Gerber Products Company, Plum, PBC, Sprout Foods, Inc., Walmart Inc., The Hain Celestial Group, Inc. and Nurture, LLC ("Defendants") (collectively, the "Parties"), by and through their respective counsel of record, subject to the Court's approval, that the deadline for

1 the Parties to file a Discovery Plan and Scheduling Order as set forth in this Court's October 24,  
2 2023 Order on Defendants' Joint Motion to Sever and Plaintiffs' Motion for Leave to Amend  
3 Complaint (the "October 24, 2023 Order") (ECF No. 71) shall be extended until May 6, 2024.

4 On October 24, 2023, this Court instructed the Parties to submit "a Discovery Plan and  
5 Scheduling Order reflecting agreed upon discovery, agreed upon individualized discovery,  
6 identification of discovery on which they do not agree, and a proposed scheduling order." (*Id.* 7:3-  
7 6). Thereafter, "the Court will hold a hearing to discuss and set a discovery plan and order." (*Id.*  
8 4:5-6.) Plaintiffs filed their First Amended Complaint on October 31, 2023. (*See* ECF No. 74.)  
9 Defendants Beech-Nut Nutrition Company, Inc., Gerber Products Company, Inc., Plum, PBC,  
10 Sprout Foods, Inc., and Walmart, Inc. filed their answers to the First Amended Complaint on  
11 November 21, 2023. (*See* ECF Nos. 80-84.) Defendants the Hain Celestial Group, Inc. and  
12 Nurture, LLC filed their their answers to the First Amended Complaint on January 17, 2024. (*See*  
13 ECF Nos. 93-94.) On January 4, 2024, Plaintiffs filed a Motion for Transfer of Actions Pursuant  
14 to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings before the United  
15 States Judicial Panel on Multidistrict Litigation (the "MDL Motion"). Responses to the MDL  
16 Motion are due on or before February 13, 2024 and replies, if any, are due on or before February  
17 20, 2024.

18 The Parties held their initial meet and confer on January 24, 2024 and agreed to extend the  
19 deadline to file the Discovery Plan and Scheduling Order as set forth in the October 24, 2023  
20 Order to May 6, 2024. Given the number of parties and complexities of the issues involved, the  
21 Parties anticipate requesting an extended discovery period and thus the parties agreed the  
22 additional time requested by this Stipulation will be helpful to continue to meet and confer  
23 regarding discovery issues and the proposed Discovery Plan and Scheduling Order during this  
24 time. The Parties further agree that discovery shall not commence until such time as a Discovery  
25 Plan and Scheduling Order are entered in this matter. Based on the foregoing, the Parties agree  
26 good cause exists and respectfully request that the deadline set forth in the Court's October 24,  
27 2023 order be extended as set forth herein.

28

This is the second stipulation for an extension of time to extend the deadlines set forth in the October 24, 2023 Order, and is made in good faith and not for purposes of delay.

DATED this 6th day of February 2024.

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**ORDER**

Based on the foregoing stipulation, and on the basis of good cause, it is ORDERED that that the deadline to submit the Parties' proposed Discovery Plan and Scheduling Order shall be extended until May 6, 2024. Discovery shall not commence until such time as a Discovery Plan and Scheduling Order are entered in this matter.

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: February 7, 2024